

Conference Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 296

SENATE BILL 1242

AN ACT

AMENDING TITLE 28, CHAPTER 5, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1630; AMENDING SECTIONS 28-1631, 28-1632, 28-1633, 28-1635 AND 28-1636, ARIZONA REVISED STATUTES; RELATING TO THE TRAFFIC TICKET ENFORCEMENT ASSISTANCE PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 5, article 5, Arizona Revised Statutes,
3 is amended by adding section 28-1630, to read:

4 28-1630. Definitions

5 FOR THE PURPOSES OF THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 1. "MONETARY OBLIGATIONS" INCLUDES FINES, FEES, PENALTIES, COURT
8 COSTS, SURCHARGES, RESTITUTION, ASSESSMENTS AND PENALTY ENHANCEMENTS.

9 2. "RESTITUTION" MEANS RESTITUTION ORDERED PURSUANT TO SECTION 13-603,
10 SUBSECTION C. RESTITUTION DOES NOT INCLUDE AN AMOUNT ORDERED PURSUANT TO
11 SECTION 13-804, SUBSECTION F.

12 Sec. 2. Section 28-1631, Arizona Revised Statutes, is amended to read:
13 28-1631. Traffic ticket enforcement assistance program;

14 establishment

15 A. The department shall establish procedures to:

16 1. Assist the courts and political subdivisions of this state to
17 collect delinquent ~~finer and penalties~~ MONETARY OBLIGATIONS imposed for
18 VIOLATIONS OF TITLE 5, CHAPTER 3 AND FOR civil and criminal traffic
19 violations, ~~including all surcharges.~~

20 2. Assist in the enforcement of criminal traffic failure to appear
21 offenses.

22 B. The program established by this article shall not include
23 collection of delinquent parking tickets.

24 Sec. 3. Section 28-1632, Arizona Revised Statutes, is amended to read:
25 28-1632. Refusal to renew registration; fees

26 A. On proper notification by a court or political subdivision pursuant
27 to section 28-1633, the department shall refuse to renew the registration of
28 a vehicle if either:

29 1. ~~The A~~ registered owner of a vehicle is delinquent in paying a ~~fine~~
30 ~~or penalty~~ MONETARY OBLIGATION for A VIOLATION OF TITLE 5, CHAPTER 3 OR FOR a
31 civil or criminal traffic violation. ~~and the combined amount of the~~
32 ~~delinquency exceeds two hundred dollars.~~

33 2. ~~The A~~ registered owner fails to appear in a criminal traffic case.

34 B. The court or political subdivision shall make at least two attempts
35 to collect the monies owed by an individual or organization before notifying
36 the department to SEND NOTICE BY FIRST-CLASS MAIL TO ALL REGISTERED OWNERS OF
37 THE VEHICLE LISTED ON THE DEPARTMENT'S RECORDS THAT THE COURT OR POLITICAL
38 SUBDIVISION IS NOTIFYING THE DEPARTMENT TO refuse to renew the vehicle
39 registration ~~of the~~ DUE TO A registered owner OWNER'S DELINQUENCY IN PAYING A
40 MONETARY FINE OR FAILURE TO APPEAR PURSUANT TO SUBSECTION A OF THIS SECTION.

41 C. The department may charge a court or political subdivision that
42 chooses to participate in this program a fee that is payable to the
43 department by the court or political subdivision to cover the costs of
44 processing the documents to notify ~~the registered owner that the owner's~~ ALL
45 REGISTERED OWNERS THAT THE vehicle registration will not be renewed. The

1 department shall deposit, pursuant to sections 35-146 and 35-147, these fees
2 in the state highway fund established by section 28-6991.

3 D. The fees charged by the department to the courts or political
4 subdivisions of this state for processing the documents to notify the
5 registered owner that it is not renewing a person's vehicle registration
6 shall be paid at the same time as the registered owner's outstanding fine or
7 penalty or as part of the penalty for the failure to appear offense for which
8 the vehicle registration was not renewed.

9 E. This article does not prohibit the department from imposing and
10 collecting additional fees authorized by law.

11 Sec. 4. Section 28-1633, Arizona Revised Statutes, is amended to read:

12 28-1633. Contracts

13 A. A court or political subdivision of this state may contract with
14 the department to:

15 1. Provide electronic data access of department records to facilitate
16 documentation of unpaid ~~finer or penalties~~ MONETARY OBLIGATIONS for
17 VIOLATIONS OF TITLE 5, CHAPTER 3 AND FOR civil and criminal traffic
18 violations and for failure to appear in criminal traffic cases.

19 2. Refuse to renew a motor vehicle registration until the court or
20 political subdivision notifies the department ~~on forms~~ IN A FORM prescribed
21 by the director that either:

22 (a) The unpaid monies due on the violation for which a vehicle
23 registration was not renewed have been paid.

24 (b) The unpaid monies are no longer delinquent.

25 (c) The registered owner CHARGED WITH THE CRIMINAL TRAFFIC OFFENSE
26 appeared in court for the criminal traffic offense for which the vehicle
27 registration was not renewed.

28 (d) A waiver was issued under section 28-1635.

29 3. Collect the unpaid monies on behalf of the court or political
30 subdivision under terms and conditions prescribed by the contract.

31 B. A court that is not authorized by law to contract directly with the
32 department shall seek the approval of the appropriate funding authority
33 before entering into a contract with the department.

34 C. The director shall implement the electronic access authorized by
35 this section only if the director determines the system proposed by the court
36 or political subdivision is fully compatible with the existing and
37 anticipated systems of the department.

38 D. An agreement may be executed pursuant to this section only if all
39 of the following conditions are met:

40 1. The planning, implementation and operation of the system are at no
41 expense to the department.

42 2. The court or political subdivision both:

43 (a) Ensures that its system is compatible with state systems and those
44 of participating courts or political subdivisions.

1 (b) Agrees that it will bear all current and future expenses necessary
2 to ensure compatibility of its system with the state system.

3 3. The court or political subdivision assumes all financial, technical
4 and legal risks associated with electronic access of department records
5 through its system.

6 E. The department, court or political subdivision may contract with
7 nongovernmental agencies or private sector businesses to perform any of the
8 acts authorized by this section, except that the department shall mail the
9 notice to ~~the registered owner that the owner's~~ ALL REGISTERED OWNERS AT THE
10 MOST RECENT ADDRESS FOR EACH REGISTERED OWNER KNOWN TO THE DEPARTMENT THAT
11 THE vehicle registration will not be renewed.

12 Sec. 5. Section 28-1635, Arizona Revised Statutes, is amended to read:
13 28-1635. Waiver

14 A. On proper application, the court may waive its right pursuant to
15 this article to request the department to refuse to renew the vehicle
16 registration of a registered owner who is ~~delinquent in paying a fine or~~
17 ~~penalty for a civil or criminal traffic violation~~ DELINQUENT IN PAYING A FINE
18 OR PENALTY FOR A VIOLATION SUBJECT TO THIS ARTICLE, if both:

19 1. Nonrenewal of the vehicle registration would pose an economic
20 hardship on the registered owner or the registered owner's immediate family.

21 2. The failure to pay is not due to an intentional refusal to obey the
22 order of the court or an intentional refusal to make a good faith effort to
23 obtain the monies required for the payment.

24 B. EXCEPT FOR THE PERSON SUBJECT TO THE MONETARY OBLIGATION PURSUANT
25 TO THIS ARTICLE, ANY PERSON WHO IS IDENTIFIED ON THE RECORDS OF THE
26 DEPARTMENT AS AN OWNER OF A VEHICLE SUBJECT TO REFUSAL TO RENEW A VEHICLE
27 REGISTRATION PURSUANT TO THIS ARTICLE MAY FILE A SWORN PETITION IN ANY COURT
28 WHERE A CITATION WAS ISSUED THAT RESULTED IN THE REQUEST TO REFUSE TO RENEW
29 A VEHICLE REGISTRATION REQUESTING THE COURT WAIVE THE COURT'S RIGHT TO REFUSE
30 THE VEHICLE REGISTRATION RENEWAL ON AT LEAST ONE VEHICLE THE PERSON OWNS. IF
31 THE PERSON DOES NOT LIVE WITHIN THE JURISDICTION OF THE COURT, THE COURT
32 SHALL NOT REQUIRE THE PERSON TO APPEAR PERSONALLY. THE COURT MAY RULE BASED
33 UPON THE PETITION, OR IF THE COURT WISHES TO HEAR ORAL ARGUMENT AND THE
34 PERSON DOES NOT LIVE WITHIN THE JURISDICTION OF THE COURT, THE COURT SHALL
35 PERMIT THE PERSON TO APPEAR TELEPHONICALLY.

36 C. IF THE COURT DETERMINES THE REGISTERED OWNER MAKING THE REQUEST IS
37 NOT THE PERSON RESPONSIBLE FOR THE ALLEGED VIOLATION OR FAILURE TO APPEAR
38 THAT RESULTS IN THE COURT'S NOTIFICATION TO THE DEPARTMENT TO REFUSE TO RENEW
39 THE VEHICLE REGISTRATION, THE COURT MAY WAIVE ITS RIGHT TO REQUEST THAT THE
40 DEPARTMENT REFUSE TO RENEW A VEHICLE REGISTRATION.

41 D. IF THE COURT GRANTS A REQUEST PURSUANT TO SUBSECTION C OF THIS
42 SECTION, THE COURT SHALL PROVIDE WRITTEN DOCUMENTATION TO THE PERSON MAKING
43 THE REQUEST OR MAY ELECTRONICALLY NOTIFY THE DEPARTMENT THAT THE DEPARTMENT
44 MAY ISSUE A VEHICLE REGISTRATION TO THE REGISTERED OWNER NAMED IN THE
45 DOCUMENT FOR THE VEHICLE LISTED IN THE DOCUMENT.

1 Sec. 6. Section 28-1636, Arizona Revised Statutes, is amended to read:
2 28-1636. Rules

3 A. The supreme court shall adopt rules or procedures necessary for the
4 courts to carry out this article including the time periods during which
5 ~~criminal and civil traffic offenders~~ PERSONS WHO ARE RESPONSIBLE FOR PAYMENT
6 OF MONETARY OBLIGATIONS AND ARE SUBJECT TO THIS ARTICLE shall pay all ~~finer~~
7 ~~or penalties~~ MONETARY OBLIGATIONS before a court or political subdivision may
8 request the department to refuse to renew the registration of the ~~offender's~~
9 PERSON'S vehicle.

10 B. In adopting rules or procedures prescribing the time periods during
11 which ~~criminal and civil traffic offenders~~ PERSONS WHO ARE SUBJECT TO THIS
12 ARTICLE shall pay all ~~finer or penalties~~ MONETARY OBLIGATIONS, the supreme
13 court shall consider the economic circumstances of ~~offenders~~ REGISTERED
14 OWNERS.

APPROVED BY THE GOVERNOR MAY 24, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 24, 2006.